

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

ANA JOSEFA CORPORÁN CUEVAS

Plaintiff

Vs.

Corporation X d/b/a "COLMADO MI GENTE"; EMPRESAS ALBERTO NUÑEZ d/b/a "COLMADO MI GENTE"; OLGA M. NUÑEZ and her husband "JOHN DOE" and the conjugal partnership composed by them; INSURANCE COMPANY A; INSURANCE COMPANY B; TRIPLE S PROPIEDAD; OSVALDO JIMÉNEZ COLLAZO; JOHN DOE, JANE ROE

Defendants

CIVIL NO.

PLAINTIFF DEMANDS TRIAL BY JURY

COMPLAINT

TO THE HONORABLE COURT:

COME NOW plaintiff, through the undersigned counsel, and pursuant to this Honorable Court, respectfully **STATE, ALLEGE** and **PRAY:**

I. THE PARTIES

1. Plaintiff, **ANA JOSEFA CORPORÁN CUEVAS** is of legal age, single, and resident of The Bronx, New York. **CORPORÁN CUEVAS** is suffering the damages alleged herein and for which compensation is sought. Her postal address for all corresponding legal events is 4034 Laconia Ave. Apt. 2-B Bronx, N.Y. 10466.

2 Defendant **CORPORATION X d/b/a "COLMADO MI GENTE"** upon information and belief is a corporation organized under the laws of Puerto Rico, with

capacity to sue and be sued, and is the company that administers “COLMADO MI GENTE”. Its physical address is: Urb. Floral Park, 165 Guayama St. San Juan PR 00917-4526.

3. Codefendant **EMPRESAS ALBERTO NUÑEZ d/b/a “COLMADO MI GENTE”** upon information and belief is a corporation organized under the laws of Puerto Rico, with capacity to sue and be sued, and is the company that administers “COLMADO MI GENTE”. Its physical address is: Urb. Floral Park, 165 Guayama St. San Juan PR 00917-4526.

4. Codefendant, **INSURANCE COMPANY A**, is an insurance carrier organized under the laws of Puerto Rico, that, at all relevant times herein, had in force and effect an insurance policy covering the legal liability of codefendant **CORPORATION X d/b/a “COLMADO MI GENTE”** for the events here claimed.

5. Codefendant, **INSURANCE COMPANY B**, is an insurance carrier organized under the laws of Puerto Rico, that, at all relevant times herein, had in force and effect an insurance policy covering the legal liability of codefendant **EMPRESAS NUÑEZ d/b/a “COLMADO MI GENTE”** for the events here claimed.

6. Codefendant **OLGA M. NUÑEZ** upon information and belief is married to co-defendant, “John Doe”; between them they form Defendant Conjugal Partnership and they are residents of: Urb. Floral Park, 165 Guayama St. San Juan PR 00917-4526.

7. Codefendant, **TRIPLE S PROPIEDAD**, is an insurance carrier organized under the laws of Puerto Rico, that, at all relevant times herein, had in force and effect an insurance policy covering the legal liability of codefendant **EMPRESAS NUÑEZ d/b/a “COLMADO MI GENTE”** and/or **OSVALDO JIMENEZ COLLAZO** for the events here claimed.

8. Codefendant **OSVALDO JIMENEZ COLLAZO** upon information and belief, is married to co-defendant, "Jane Doe"; between them form Defendant Conjugal Partnership and they are residents of: Urb. Floral Park, 165 Guayama St. San Juan PR 00917-4526. Upon information and belief codefendant JIMENEZ COLLAZO is the owner of the establishment "COLMADO MI GENTE" where the incident that gives rise to this case occurred. As owner, he is jointly and severally liable for the damages suffered by plaintiff, as he responds for all the structural flaws of the establishment where the accident happened.

9. Defendants, **JOHN DOE** and **JANE ROE** are any individuals, legal entities, private or governmental agencies, municipalities or entities that may be liable to plaintiff, or are otherwise responsible to the facts reported herein, and are called at this time by fictitious names for its real names are unknown, but will be notified as soon as identified.

II. JURISDICTION AND VENUE

10. This Honorable Court has subject matter jurisdiction over the instant case pursuant to 28 U.S.C. sections 1332(a) (1), inasmuch as this is an action between citizens of different states and the amount in controversy exceeds SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00), exclusive of costs and interests. Venue is proper in the District of Puerto Rico pursuant to 28 U.S.C. §. 1391, since the events that gave rise to this cause of action occurred in the District of Puerto Rico.

11. The present complaint was filed in the State Court of Puerto Rico, Courtroom of San Juan in July 29, 2014 Civil No *KDP2014-0815*. Later the plaintiff

asked for a voluntary dismissal to the court on February 4, 2016 which according to the rule of law extends another year the statute of limitations.

III. THE FACTS

12. On April 24, 2014 plaintiff visited the facilities of “Colmado Mi Gente” supermarket in Hato Rey, jurisdiction of San Juan. Upon leaving, plaintiff, while heading down the second set of stairs, slipped and fell hitting herself hard on the floor. As a consequence, she hurt her right knee, ankle, back, and neck.

13. The cause of the fall was solely due to unmaintained and broken stairs which created a hazardous, dangerous, and precarious situation to customers and anyone else using the stairs. The stairs did not have the anti-slip band required by law.

14. Defendants were negligent as they did not give these stairs the proper and adequate maintenance; therefore, they are responsible for plaintiff’s damages due to the fall.

15. In the wake of the impact, plaintiff suffered traumas to her right knee, ankle, back, and neck. In consequence, plaintiff had to receive special medical attention, along with rigor examinations.

16. As a direct and proximate result of defendants’ negligence, plaintiff has sustained and will continue to sustain severe physical damages, loss of consortium, emotional distress, and consequential damages. She is, thus, entitled to compensatory relief according to proof and to a declaratory judgment that defendants are liable.

17. Plaintiff will have a permanent impairment that will be determined in the course of her medical treatment.

18. This incident has substantially affected her quality of life because she is unable to complete daily tasks as she used to, prior to this incident, due to the continuous physical pain and emotional distress.

IV. PLAINTIFFS DAMAGES

19. The monetary damages suffered by plaintiff, including but not limited to bodily and physical injury, pain and sufferings, mental anguish, psychological and emotional distress, loss of enjoyment of life, loss of enjoyment of activities to which she was accustomed, expenses, among others, all of which are the direct consequences of defendants' negligence, are conservatively estimated in an amount in excess of **TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00)**

V. JOINT AND SEVERAL LIABILITIES

20. Pursuant to the laws of the Commonwealth of Puerto Rico, as joint tortfeasor, defendants together with their insurance carrier must be held jointly and severally liable for all of the damages alleged in this Complaint. Defendants acts or omissions constitute a tort under Puerto Rico Civil Code, Art. 1802, 1803, 31 LPRA, §5141, §5142.

VI. PREJUDMENT INTEREST, ATTORNEY FEES AND COST

21. In the event that defendants deny their negligence or liability in the occurrence of the events or damages caused to plaintiff, she is entitled to pre judgment interest to be computed over the amount recovered through this Complaint, as well as a reasonable amount of attorney's fees, as permitted by law.

VII. TRIAL BY JURY

22. Plaintiffs demand that the instant action be tried before a jury.

VIII. RELIEF

WHEREFORE, Plaintiff respectfully requests from this Honorable Court a judgment against defendants, jointly and severally, for the damages sustained by herself, as well as the award of costs, attorney's fees, interests and any other relief allowed in law and/or equity that the Court deems proper, regardless of whether said remedy was claimed or not.

RESPECTFULLY SUBMITTED.

In Guaynabo, Puerto Rico, this 8th of November 2016.

S/MANUEL COBIAN ROIG
USDC NO. 220005
Attorney for Plaintiffs
PO Box 177
Guaynabo, PR 00970
Phone (787) 402-6944
Mobile (787) 248-8933
e-mail: manuelcobianroig@gmail.com